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10/519,851	12/29/2004	Masanori Itoh	MTS-3472US	9473

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EXAMINER	
NGUYEN, LINH THI	
ART UNIT	PAPER NUMBER
2627	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/519,851	ITOH, MASANORI	
	Examiner	Art Unit	
	LINH T. NGUYEN	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-16 and 18-27* is/are rejected.

7)☒ Claim(s) *11 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 12-16, 20-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okita et al (JP Patent Application Publication 2001169250) in view of Yogeshwar et al (US Publication Number 20040096110).

In regards to claims 1, 20, 22, and 25, Okita et al discloses a reproducing apparatus (Fig. 1) comprising: a reproducing unit (Fig. 1, element 200) that extracts (Fig. 1, element 29) recorded video signals from a recording medium (Fig. 1, elements 17 and 20); a decoding unit that decodes any of said video signals extracted from said recording medium (Fig. 1, element 19); and recording unit that records (Fig. 1, element 13), a recording unit that records, in correspondence to said record management information, reproduction management information including reproduction interruption information that denotes a point of interruption in time of a reproduction of said video signals from said recording medium (Paragraph 94; where the point of interruption in time is chapter number), wherein the decoding unit decodes said signals according to a selected bit rate from said point of interruption in time (Paragraphs 39-42, 94 and 95; where the signal reproduction resumes from the start of the chapter and where the claimed selected bit rate is the same one that was selected to be reproduced prior to

the interruption). However, Okita et al does not disclose wherein the recorded video signals have the same contents but are compressed in a plurality of different bit rates and record management information that denotes a mutual association between said video signal that have the same contents but are compressed in a plurality of different bit rates.

In the same field of endeavor, Yogeshwar et al discloses wherein the recorded video signals have the same contents but are compressed in a plurality of different bit rates and record management information that denotes a mutual association between said video signal that have the same contents but are compressed in a plurality of different bit rates (Fig. 5, element 519 has variety of decoders 520-522 that is output to selector 524; and Paragraph 58 shows association format). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the data of the recording medium of Okita with that of Yogeshwar et al, for the purpose of providing mutual association video signals that have the same content but compressed in plurality of different bit-rates. The motivation for doing so would have been to increase the pictures quality (abstract).

In regards to claim 3, Okita et al discloses the reproducing apparatus, further comprising a built-in flash memory, wherein said reproduction management information is recorded on said flash memory (Fig. 1, element 31 or Paragraph [0056]).

In regards to claims 4, 21, and 23, Okita et al discloses an apparatus, method and program, wherein said reproducing unit (Fig. 1 element 200) further extracts said reproduction management information (Fig. 1, element 29) information from said flash memory (Fig. 1, element 31), and based on the said record management information (Fig. 1, element 13) and said reproduction management information (Fig. 1, element 28), extracts (Fig. 1, element 29), form said recording medium (Fig. 1, element 20), signals after signals corresponding to said reproduction interruption information included in said reproduction management information (Fig. 5, is the recording of time of each title or address, therefore, would know exactly where the interruption in time; Paragraph [0093]).

In regards to claims 5/1, 5/2, 5/3 and 5/4, Okita et al discloses the reproducing apparatus, wherein said reproduction interruption information concerns elapsed time form start of reproduction of said signal (Paragraph [0094] and Fig. 4).

In regards to claim 6, Okita et al, wherein said recording unit (Fig. 1, element 100) further records, in correspondence to said record management information (Fig. 1, element 13) and said reproduction management information, identification information of said recording medium on said flash memory (Fig. 1, element 20 recording medium to the flash memory 31).

In regards to claim 7, Okita et al discloses the reproducing apparatus, wherein said reproducing unit (Fig. 1 element 200) further extracts said record management information (Fig. 1, element 29), said reproduction management information, and said identification information of said recording medium (Fig. 1, elements 13 and 28), any of signals extracted from said recording medium is suitable for said reproducing unit and/or said decoding unit (Fig. 1, elements 29), and said reproducing unit, based on said record management information, said reproduction management information, and said identification information of said recording medium (Fig. 1 ,element 13 and 28) , further extracts, form said recording medium, signals after signals corresponding to said reproduction interruption information included in said reproduction management information (Paragraph [0092]).

In regards to claim 8, Okita et al does not but Yogeshwar et al discloses the reproducing apparatus, wherein said different conditions concern different bit rates, different numbers of pixels, or different compression methods (Fig. 5). The motivation is the same as claim 1 above.

In regards to claim 9, Okita et al discloses the reproducing apparatus, wherein said video signals can be continuously reproduced on the recording medium(Paragraph [0055]). However, Okita et al does not but Yogeshwar et al discloses said video signals that have the same contents but are compressed in a plurality of different bit rate are recorded (Fig. 5). The motivation is the same as claim 1 above.

In regards to claims 10, 12 and 13, Okita et al discloses the reproducing apparatus, wherein each of which has size that is equal to or larger than a predetermined size (Fig. 2 and Fig. 4, the amount of time is the predetermined data size). However, Okita et al does not but Yogeshwar et al discloses wherein said signals that have the same contents but are compressed in a plurality of different bit rate are recorded (Fig. 5). The motivation is the same as claim 1 above.

In regards to claim 14, Okita et al does not but Yogeshwar et al discloses the reproducing apparatus, wherein said decoding unit (Fig. 5, elements 520-522) further decodes signals compressed in a plurality of different bit rate that are extracted from said recording medium (Paragraph [0107).

In regards to claims 16, 23 and 26, Okita et al discloses a recording method, comprising the steps of: (a) recording, on a recording medium (Fig. 1, element 31) and record management information (Fig. 1, element 28; Paragraphs [0059] and [0062]); (b) extracting said video signal recorded on said recording medium (Fig. 1, element 17); (c) decoding said video signal extracted in step (b) (Fig. 1 element 19), wherein are recorded in continuous data area, each of which has size that is equal to or larger than a predetermined size (Fig. 2, the predetermine size is form 0-30), and said continuous data areas are recorded in a form of being repeatedly alternately arranged (Fig. 2, the

second recording from 0-20-30-50 are alternately arranged). However, Okita et al does not but Yogeshwar et al discloses a method wherein (a) video signals that have same contents (video/audio data) but are compressed in a plurality of different bit rates (Fig. 5) that denotes a mutual association between said signals that have the same contents but are compressed in a plurality of different bit rates (Paragraph [0095]). The motivation is the same as claim 1 above.

In regards to claim 27, Okita et al discloses a recording method comprising of: (a) recording, on a recording medium, at least one source of video signals (Paragraph [[0040]); (b) compressing the video signals at a first bit rate (Paragraph [0041]); compressing the video signals at a second bit rate, second bit rate being different from the first bit rate (MPEG, Paragraph [0042]); (e) extracting a signal recorded on said recording medium (Fig. 1, element 17); (f) decoding a signal extracted from said recording medium (Fig. 1, element 19), and each of which has size that is equal to or larger than a predetermined size (Fig. 2, the predetermine size is form 0-30), and said continuous data areas are recorded in a form of being repeatedly alternately arranged (Fig. 2, the second recording from 0-20-30-50 are alternately arranged). However, Okita et al does not but Yogeshwar discloses wherein (d) recording record management information that denotes a mutual association between the video signals compressed at a first bit rate in step (b) (Paragraph [0058]) and the video signal compressed at a second bit rate in step (c) that have the same contents (video data) and wherein said video signal compressed in said first and second bit rates are recorded in continuous

data areas (Fig. 5, Paragraph 105-107). At the time of the invention it would have been obvious to a person of ordinary skill to modify the recording method of Okita to have a mutual association suggested by Yogeshwar et al. The motivation for doing so would have been to record/reproduce audio and video in the same equipment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okita et al in view of Yogeshwar et al as in claim 1, 20, 22, and 25 and in further view of Applicant Admitted Prior Art (AAPA).

In regards to claim 15, Okita et al and Yogeshwar do not but AAPA discloses the reproducing apparatus, wherein said different compression methods are MPEG2 and MPEG4, respectively (Paragraph [0002] and [0003]). At the time of the invention it would have been obvious to person of ordinary skill in the art to modify the selection of compression of Okita et al and Yogeshwar et al with MPEG2 and MPEG4 as suggested by AAPA. The motivation for doing so would have been to record/reproduce with lower bit rate.

Allowable Subject Matter

Claims 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, see page 2, filed 4/22/08, with respect to the rejection(s) of claim(s) 1 over Okita et al., Okazaki et al., and Zetts have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Okita et al. and Yogeshwar et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 10:00am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
July 15, 2008

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627